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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MMCA GROUP LTD., a Virginia
corporation,

Plaintiff,

v.

HEWLETT-PACKARD COMPANY, a
Delaware corporation, PICA
CORPORATION, an Ohio corporation,

Defendants.

No. C-06-7067 MMC (EMC)

**AMENDED ADMINISTRATIVE MOTION
TO FILE DOCUMENTS UNDER SEAL
FILED IN CONNECTION WITH PICA
CORPORATION'S SUPPLEMENTAL
BRIEFING IN SUPPORT OF ITS MOTION
FOR SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, PARTIAL SUMMARY
JUDGMENT; ~~PROPOSED ORDER~~**

Date: ~~November 20, 2009~~

Time: 9:00 a.m.

Place: Courtroom 7, 19th Floor

Judge: Hon. Maxine M. Chesney

This motion amends PICA Corporation's Administrative Motion to File Documents under Seal, filed on October 30, 2009.

1 Pursuant to Local Rules 7-11 and 79-5, and the Modified Stipulated Protective Order,
2 Defendant PICA Corporation (“PICA”) hereby requests permission to file under seal the
3 following documents, or portions of documents:

4 1. Exhibit A to the Declaration of Gregory Melick. Page 258 contains PICA’s
5 confidential client information that is competitive and proprietary. Page 337 contains PICA’s
6 confidential pricing information that is competitive and proprietary. Page 373 contains
7 information relating to a private individual’s personal finances. Pages 390-391 contain PICA’s
8 confidential pricing information that is competitive and proprietary.

9 2. Exhibit B to the Declaration of Gregory Melick. Pages 55-57, 62-64, 67-76, 89,
10 121, 122, 186, 338, 339, and 447-449 reference individuals in the investigation industry, not
11 parties to this litigation, who may wish to keep their identities confidential (e.g., for security
12 purposes). Pages 279-282 contain PICA’s confidential client information that is competitive and
13 proprietary. Page 337 contains PICA’s pricing information that is competitive and proprietary.

14 3. Exhibit C to the Declaration of Gregory Melick was designated Confidential
15 and/or AEO by MMCA.

16 4. Exhibit D to the Declaration of Gregory Melick was designated Confidential
17 and/or AEO by HP.

18 5. Exhibit E to the Declaration of Gregory Melick contains PICA’s competitive and
19 proprietary billing rates, which are confidential.

20 6. Exhibit F to the Declaration of Gregory Melick is a document which, on
21 information and belief, has also been produced by HP in this case and designated Confidential.
22 PICA does not itself request that this document be filed under seal.

23 7. Exhibit G to the Declaration of Gregory Melick was designated Confidential
24 and/or AEO by HP.

25 8. Exhibit H to the Declaration of Gregory Melick contains PICA’s competitive and
26 proprietary pricing information, which is confidential.
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1 9. Exhibit I to the Declaration of Gregory Melick, at page 511, references former
2 Defendant Pinkerton's business model, which Pinkerton may deem proprietary and competitive.

3 10. Exhibit J to the Declaration of Gregory Melick contains PICA's competitive and
4 proprietary pricing information, which is confidential.

5 11. Exhibit L to the Declaration of Gregory Melick, on page 111, references a current
6 or former associate of MMCA, which MMCA has stated is a trade secret. PICA does not itself
7 request that this document be filed under seal.

8 12. Exhibit O to the Declaration of Gregory Melick is the personal resume of an
9 individual who is not a party to this action.

10 13. Exhibit P to the Declaration of Gregory Melick, on information and belief, was
11 prepared by MMCA and may be alleged to be a trade secret by MMCA.

12 14. Exhibit Q to the Declaration of Gregory Melick was designated Confidential
13 and/or AEO by MMCA.

14 15. Exhibit R to the Declaration of Gregory Melick was designated Confidential
15 and/or AEO by MMCA.

16 16. Exhibit S to the Declaration of Gregory Melick was designated Confidential and/or
17 AEO by MMCA.

18 17. Exhibit T to the Declaration of Gregory Melick was designated Confidential
19 and/or AEO by MMCA.

20 18. Exhibit V to the Declaration of Gregory Melick was designated Confidential
21 and/or AEO by MMCA.

22 19. Exhibit W to the Declaration of Gregory Melick was designated AEO by MMCA.

23 20. Exhibit X to the Declaration of Gregory Melick was designated Confidential or
24 AEO by MMCA.

25 21. Exhibit Y to the Declaration of Gregory Melick was designated Confidential
26 and/or AEO by MMCA.
27

1 22. Paragraph 7 of the Supplemental Declaration of Vincent Volpi discusses PICA's
2 confidential and proprietary pricing information.

3 23. Paragraph 2 of the Declaration of Vaughn Volpi discusses the identity of PICA's
4 clients, which is confidential and proprietary.

5 24. Portions of PICA's Supplemental Brief which refer to material designated as
6 Confidential or AEO by other parties.

7 Civil Local Rule 79-5 provides where a party seeks to submit to the Court a document that
8 has been designated by another party as confidential pursuant to a protective order, that party
9 must file an Administrative Motion for a sealing order. Thereafter, within five days, designating
10 party must then file with the Court and serve a declaration establishing that the designated
11 documents are sealable, and must lodge and serve a narrowly tailored proposed sealing order
12 within five days of submission. Civ. L.R. 79-5(d).

13 Based on the foregoing, Defendant PICA Corporation respectfully asks that the Court
14 enter an order permitting PICA to tile the above referenced documents, and/or portions of
15 documents, under seal.

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17
18 Dated: November 2, 2009

/s/Gregory Melick
By: Gregory Melick
Attorney for Defendant PICA
Corporation

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20
21
22 **DECLARATION OF GREGORY MELICK**

23 I, Gregory Melick, declare as follows, with personal knowledge as to matters upon which
24 I have such knowledge, and upon information and belief as to all other matters herein.

25 1. I am an attorney at law duly admitted *pro hac vice* to practice in this Court in this
26 case, and am one of the attorneys for PICA Corporation in the above matter.
27

2. All of the matters set forth herein, except as to those matters based upon my information and belief, are known to me personally, and if called as a witness, I could testify competently thereto.

3. The above referenced documents, or portions of documents, should be filed under seal consistent with the AEO and Confidential designations accorded to the information by the designating party(ies).

I declare under penalty of perjury of the laws of the State of Ohio that the aforementioned statements are true and correct and that this declaration was executed on November 2, 2009, in Columbus, Ohio.

By: /s/Gregory Melick
Gregory Melick


identified above
Good cause appearing, the Court orders that the following documents shall be filed under seal:

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SO ORDERED.

Dated: January 5, 2010

~~Date: November~~ ____, 2009


Hon. Maxine Chesney
United States District Court Judge